

During these meetings, the Level 3 participants reiterated Level 3's support for instituting so-called "phantom traffic" rules, consistent with Level 3's ex parte dated March 10, 2006. In particular, the Commission should adopt a phantom traffic solution requiring the originating provider to include and intermediate providers to pass calling party number in the signaling stream, but should not adopt any rules that would require large investments that would provide only short-term benefits or that would subject traffic originated on the Internet that validly lacks calling party number to intrastate or interstate access charges through a "phantom traffic" solution. Such a back-door means of resolving IP-enabled services issues would prejudice and undermine existing efforts to reform the intercarrier

compensation mechanisms and, in the case of outbound-only Internet-originated calls, could contribute to the needless exhaustion of numbering resources.

The Level 3 participants also expressed opposition to the March 23, 2006, ex parte filed by Qwest Communications International, Inc. ("Qwest") seeking to support Qwest's claim that it is not required under the Communications Act of 1934, as amended ("Telecommunications Act") to provide transiting services. Level 3 believes that Section 251 of the Telecommunications Act requires incumbent local exchange companies ("ILECs") to provide transiting services on a common carrier basis. For example, Section 251(a) requires ILECs to interconnection "directly or indirectly" with other ILECs. Interpretations of Section 251(a) that exclude interconnection with ILECs for the purpose of transit frustrate the indirect interconnection contemplated by Section 251(a). Larger ILECs (unlike other ILECs) have nearly ubiquitous facilities to and interconnection with smaller ILECs (especially in rural areas), making it essential that the larger ILECs provide transiting services on a common carrier basis, as they have done for years (to other ILECs, CLECs and wireless carriers). Moreover, Qwest's interpretation of the Telecommunications Act could lead to the situation in which an ILEC transit provider could eliminate transit competition by refusing to interconnect with a competing transit provider. An ILEC transit provider, for example, has little incentive to interconnect with a competing transit provider, particularly if the ILEC can eliminate the competing transit provider simply by refusing to interconnect. The Telecommunications Act clearly sought to prevent incumbents from eliminating competition through refusal to interconnect.

Please do not hesitate to contact me with any questions about this matter.

Sincerely,

/s/ Adam Kupetsky

Adam Kupetsky  
Regulatory Counsel

Level 3 Communications, LLC  
One Technology Center TC 15H  
Tulsa, OK 74103  
918 547 2764 (telephone)  
918 547 2360 (facsimile)  
[adam.kupetsky@wiltel.com](mailto:adam.kupetsky@wiltel.com)

cc (via electronic mail): Ian Dillner  
John Grant  
Donald Stockdale  
Tamara Preiss  
Steve Morris  
Jay Atkinson  
Christopher Barnekov  
Randy Clarke